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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANDRE FLOYD,

Plaintiff,

No. CIV S-08-2346 WBS KJM P

vs.

N. GRANNIS, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prison inmate proceeding pro se with a civil rights action under 42 U.S.C. § 1983. Defendant Hasadsri has filed his second motion for an extension of time in which to file his discovery responses. Plaintiff has filed a motion seeking the court’s assistance in obtaining information to permit him to serve defendant Mikelatos and a request for additional time in which to prepare additional requests for discovery. Defendant Cantwell has filed a motion for an amended scheduling order.

In light of plaintiff’s difficulties in preparing his discovery requests and in light of the fact that the Attorney General’s Office will no longer be representing defendant Hasadsri, the court finds that both extension requests are supported by good cause. Moreover, because the defendants have been and will be served at different times, the litigation will necessarily extend beyond the times set in the court’s order setting new dates for discovery.

1 Plaintiff has also shown that he has sought information from a variety of sources
2 in order to complete service on defendant Mikelatos. He has not, however, attempted to have the
3 U.S. Marshal serve him based on a physical description or a description of the defendant's duties
4 at the time in question. In addition, plaintiff may be able to obtain sufficient information in the
5 course of the discovery now proceeding.

6 IT IS THEREFORE ORDERED that:

7 1. Defendant Hasadsri's motion for an extension of time (docket no. 46) is
8 granted and he is given an additional sixty days from the date of this order in which to respond to
9 plaintiff's discovery requests;

10 2. Plaintiff's motion for an extension of time (docket no. 47) is granted and he is
11 given an additional thirty days from the date of this order in which to serve discovery requests
12 and his motion to compel;

13 3. Plaintiff's motion for a court order (docket no. 39) is denied without prejudice;

14 4. The remaining dates set in the order of January 6, 2010 (docket no. 37) are
15 vacated and the new date for dispositive motions as to Hasadsri and Soggie is established below;
16 and

17 5. Defendant Cantwell's motion for an amended scheduling order (docket no. 49)
18 is granted and the following schedule is issued:

19 A. The parties may conduct discovery until July 19,
20 2010. Any motions necessary to compel discovery
21 shall be filed by that date. All requests for
22 discovery pursuant to Fed. R. Civ. P. 31, 33, 34 or
23 36 shall be served not later than sixty days prior to
24 that date.

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B. All pretrial motions, except motions to compel discovery, shall be filed on or before September 13, 2010. Motions shall be briefed in accordance with paragraph 7 of this court's order filed December 2, 2009.

C. Pretrial conference and trial dates will be set, as appropriate, following adjudication of any dispositive motion, or the expiration of time for filing such a motion.

DATED: April 1, 2010.



U.S. MAGISTRATE JUDGE

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